

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

UNITED STATES OF AMERICA, )  
Complainant, )  
 )  
v. ) 8 U.S.C. §1324a Proceeding  
 ) CASE NO. 93C00168  
VICTOR HUGO BACHES- )  
CORADO, )  
Respondent. )  
\_\_\_\_\_ )

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

On January 21, 1993, Respondent, Victor Hugo Baches-Corado, was personally served with a Notice of Intent to Fine alleging that Respondent had knowingly forged and knowingly used a document for the purpose of satisfying a requirement of the Immigration and Nationality Act in violation of Section 274C(a)(1) and 274C(a)(2). Through his attorney Antonio Reyes-Vidal, on March 8, 1993, Respondent requested a hearing.

On September 7, 1993, Complainant, the United States of America, filed a Complaint in this case with the Chief Administrative Hearing Officer (CAHO) against Respondent charging violations of Section 274C of the Immigration and Naturalization Act.

The CAHO issued a Notice of Hearing on Complaint on September 16, 1993, and appointed me as Administrative Law Judge in this case and attempted service of this document and the Complaint on Respondent by certified mail. The evidentiary hearing, if necessary, was to be scheduled in or around San Antonio, Texas. Respondent was advised of the necessity of filing a proper, timely Answer.

On September 16, 1993, the Chief Administrative Hearing Officer mailed a letter to Antonio Reyes-Vidal, Esquire, stating that Attorney Reyes had filed a request for hearing on behalf of Respondent and that if the attorney had withdrawn from these proceedings, he should

notify the Administrative Law Judge immediately. A copy of the Notice of Hearing and the Complaint were included.

On September 22, 1993, the court sent a Notice of Acknowledgment of the filing of the Complaint and again notified the Respondent that he should file an Answer within thirty (30) days of receipt of Complaint.

On October 19, 1993, OCAHO informed the court that on October 12, 1993, the United States Post Office returned, both, the certified mail return receipt card without signature for delivery and the Notice of Hearing and Complaint marked "Moved, Left No Address, Unable to forward, Return to sender."

Based upon this information, I issued a Sua Sponte Order to Effectuate Service of Complaint or to File a Motion to Dismiss on October 20, 1993. On October 25, 1993, the court received an Information Motion from Attorney Reyes-Vidal, who indicated that Respondent instructed him to stop representing him in all immigration law matters and also stated that he, Respondent, was leaving for Guatemala on or about October 30, 1993.

Complainant filed a Motion to Dismiss Without Prejudice on November 1, 1993. In said Motion, Complainant indicated that it was unable to serve the Respondent and requested that the matter be dismissed without prejudice.

Therefore, in consideration of the inability of Complainant to serve the Respondent, apparently because he is out of the country, and for good cause shown, the Complainant's Motion for Dismissal without Prejudice is granted.

**SO ORDERED** this 2nd day of November, 1993, at San Diego, California.

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E. MILTON FROSBURG  
Administrative Law Judge